HONOURABLE SMT.JUSTICE T.MEENA KUMARI

&

HONOURABLE JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO. 18686 OF 2005

Dated 26-09-2005

Between:

R.R. Lakshmana Murthy, son of late R.Raghavendra Char, Hindu, aged about 64 years, Retired Sr. P.A. (Gazetted) to the Post Master General,Northern Region (Tamilnadu Circle), Chennai, resident of FlatNo.11, Block No.5, HIG-11, APHB Colony, Bagh Lingampally, Hyderabad-500044.

…….Petitioner.

And:

1. The Director General, Department of Posts, New Delhi and others.

…….Respondents.

ORDER : (Per the Honourable Smt. Justice T. Meena Kumari)

This writ petition is filed by the writ petitioner aggrieved by the order passed in O.A. No. 88 of 2002, on 05-01-2005 under which the Central Administrative Tribunal dismissed the O.A with the observations as mentioned therein.

The writ petitioner is the applicant before the Tribunal. The parties will be referred to as arrayed before the Tribunal for the sake of convenience.

Originally, the applicant filed an application in O.A.No.88 of 2002 seeking to call for records pertaining to the promotion of the applicant in all the cadres of Stenographer-III, Gr. II and Gr. I and Senior Personal Assistant and declare the inaction of the respondents in promoting the applicant as Senior Personal Assistant

with effect from 24-08-1989 when it was due, as arbitrary and illegal and to direct them to prepone his promotion as Sr. P.A., (Gazetted) against a vacancy which arose immediately after 24-08-1989 below Sri Khader Khan his immediate senior who was promoted as Sr. P.A. (Gazetted) instead of promoting him as Sr. P.A. (Gazetted) with effect from 30-10-1998. The Tribunal having observed that there might have been persons who would have been promoted to Gr.I and any order in his favour would unsettle the position and the order passed in regard to the promotions and apart from that, the applicant has not even chosen to seek an application to condone the delay in filing the O.A., dismissed the O.A. Having aggrieved by the same, the present writ petition is preferred by the applicant.

Heard the learned counsel and perused the order impugned and the entire material available on record.

The case on hand pertains to the seniority as well as the promotion. In such a situation, the order, if any passed in this regard with regard to the eligibility or otherwise of the applicant, would unsettle the position as well as the order with regard to the promotions as rightly observed by the tribunal. The failure to file an application to condone the delay in filing the O.A. is a resultant of dismissal of O.A.

In this background of the matter, We feel that there are no merits in this writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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Justice T. MEENA KUMARI

Date: 26th September, 2005

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Justice P. LAKSHMANA REDDY

Dvs/Gurc

HONOURABLE SMT. JUSTICE T.MEENA KUMARI

&

HONOURABLE JUSTICE P. LAKSHMANA REDDY

WRIT PETITION NO. 18686 OF 2005

(Order delivered by the Honourable

Smt. Justice T.Meena Kumari)

Dated 26-09-2005